

REMARKS

Previous Claim Rejections – 35 USC § 103

In the Advisory Action, the Examiner continues to reject Claims 1-16 as being obvious over the previously cited art. In order to establish a *prima facie* case of obviousness, there must be a reasonable expectation of success found in the prior art. Additionally, the prior art references must teach or suggest all of the claim limitations. Applicants submit that the cited references fail to teach or suggest all of the claim limitations and that one of skill in the art would not have been motivated to combine the references.

Applicants have canceled rejected Claims 1-16 and present new Claims 17-31. Applicants submit that the new claims are clearly distinguishable and nonobvious over the previously cited art. Specifically, the previously cited art does not teach or suggest all of the claim limitations.

Claims 17-25

Claims 17-25 are nonobvious over Henson, Van Horn, Creese, Tavor, Matsuzaki, or any combination thereof. None of these cited references disclose a commodity price calculating mechanism configured to send to the purchase candidates an indication that it is determined to commercialize the commodity and price information when the comparison indicates that the appropriate profit will be generated as a result of the modified desired purchasing prices.

Henson does not disclose sending an indication that it is determined to commercialize a commodity. In Henson, the computer system is already commercialized. This is illustrated by the fact that Henson discloses alerting the user if an item has a lead time over three weeks. See column 14, lines 62-64. Further, Henson does not disclose determining when the comparison indicates that an appropriate profit will be generated as a result of the modified desired purchasing prices. Further still, Henson does not disclose modified desired purchasing prices or desired purchasing prices. Instead, the price of a commodity is automatically calculated. *See*, for example, column 6, lines 23-28.

Van Horn does not disclose sending to a purchase candidate an indication, sending to a purchase candidate an indication that it is determined to commercialize a commodity, or sending to a purchase candidate price information.

Creese does not disclose sending an indication to a purchase candidate, indicating that it is determined to commercialize a commodity, or sending price information. Creese in fact teaches away from sending price information, as the price of a commodity is shown to be constant across purchases. *See* Figure 1. Further, Creese relates to a commodity already being commercialized.

Tavor does not disclose sending an indication that it is determined to commercialize a commodity. Instead, Tavor relates to purchases by an individual. It does not disclose a comparison indicating that the appropriate profit will be generated as a result of modified desired purchasing prices, as it does not disclose comparing prices across purchases.

Matsuzaki does not disclose sending to the purchase candidates an indication that it is determined to commercialize the commodity. Further, the reference does not disclose a comparison indicating that the appropriate profit will be generated as a result of modified desired purchasing prices, as it does not disclose comparing prices across purchases. Matsuzaki relates to a manufacturing system for receiving an order specific to a single customer. Thus, a plurality of prices is not provided and sales values are not calculated based on a plurality of purchasing prices. *See* abstract, column 1, lines 29-35. In fact, Matsuzaki discloses that the cost is calculated based on an individual purchase. *See* column 8, lines 9-15. Matsuzaki also does not disclose modified desired purchasing prices,

Further, none of the previously cited references disclose a commodity price calculating mechanism configured to transmit to each purchase willing person a message showing that the commodity price is less than a required amount when the comparison indicates that an appropriate profit will not be generated, the message further requesting the purchase willing person to increase the desired purchasing price. Henson, Creese and Matsuzaki disclose products with a specific price. The references fail to disclose a user-desired purchasing price, much less a message requesting that a person to increase a desired purchasing price. In Van Horn, it is disclosed that critical mass is necessary to obtain a specific price. *See* column 8, lines 46-51. Thus, the reference does not teach that when the commodity price is less than a required amount,

a request should be made to change a desired purchasing price, but instead suggests that buyers would wait until the number of buyers reaches a critical mass. Tavor relates to purchases by an individual, and does not calculate commodity prices or transmit messages to *each* purchase willing person a message requesting the person to increase the desired purchasing price.

Claims 26-31

Claims 26-31 are nonobvious over Henson in view of Van Horn. Neither reference discloses determining a plurality of final purchase prices for a commodity, wherein said plurality of final purchase prices comprise a desired purchase price and a modified purchase price. In Henson, the price of a commodity is automatically calculated. *See*, for example, column 6, lines 23-28. In Van Horn, it is specified that regardless of the maximum price specified within each purchase offer, all members of the co-op get the benefit of the lowest final price. *See* column 9, lines 8-10. Creese also does not disclose this limitation. In fact, Figure 1 suggests that all units are sold at a fixed price, and thus that the revenue linearly depends on production.

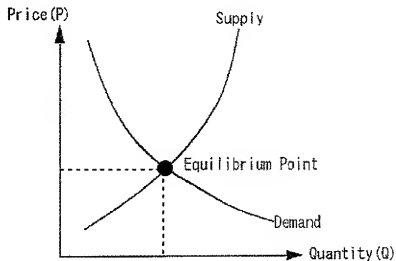
Claims 26-31 are nonobvious over Henson in view of Tavor. Neither reference discloses determining a modified sales value based on said desired selling prices and said modified desired selling prices. Instead, both disclosures relate to individual purchases. Neither of the references disclose receiving and recording an answer comprised a desired purchase price from each of a plurality of answerers and subsequently determining a sales value by summing the desired selling prices of the plurality of answerers. Instead, the products of both references have already been developed and are ready for sale after a single user expresses interest. Henson in fact discloses that a customer would be inclined to cancel an order if a product would not be quickly delivered. *See* column 1, lines 59-63. Van Horn and Creese also fail to teach this limitation, as these references relate to selling a product at a fixed price, as described above.

Claims 26-31 are nonobvious over Van Horn in view of Matsuzaki. Neither reference discloses determining a modified sales value based on said desired selling prices and said modified desired selling prices or determines a plurality of final purchase prices for a commodity, wherein said plurality of final purchase prices comprise a desired purchase price and a modified purchase price. Matsuzaki relates to a manufacturing system for receiving an order specific to a single customer. Thus, a plurality of prices is not provided and sales values are not calculated

based on a plurality of purchasing prices. *See* abstract, column 1, lines 29-35. In fact, Matsuzaki discloses that the cost is calculated based on an individual purchase. *See* column 8, lines 9-15.

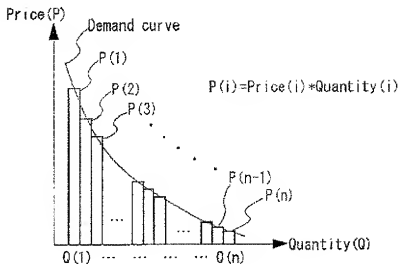
Van Horn relates to determining the price of a commodity by collecting information from a number of purchase candidates via questionnaires, generating a supply-and-demand curve based on the results of the questionnaires and the capacity of production, and calculating a break-even (equilibrium) point. *See* Figure 6 of Van Horn and Graph 1 below. A product will then be available to all members at the *same* price.

GRAPH 1



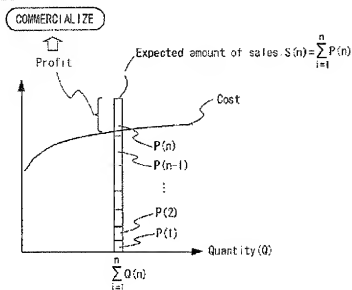
Meanwhile, the present invention discloses that a plurality of prices may be assigned to a commodity. It is recognized that customers may be willing to pay different amounts for the same commodity. Customers who highly value the commodity may purchase the commodity at a high price, making it possible to manufacture the commodity, while customers who value the commodity less may purchase the commodity at a lower price. *See* Graph 2.

GRAPH 2

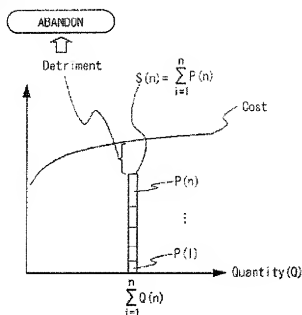


If the expected sales amount, based upon various selling prices by each of the purchase candidates, will be profitable, the commodity may then be manufactured. See Graphs 3 and 4. Thus, embodiments of the present invention provide a strategy by which a commodity may be manufactured with reduced risk to the manufacturer and/or improved possible of commercialization of the commodity.

GRAPH 3

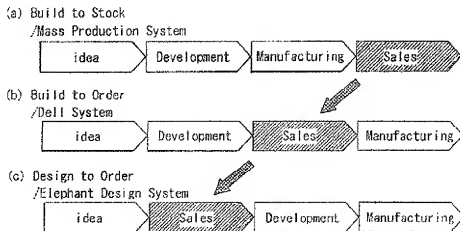


GRAPH 4



Commodity price calculating means of embodiments of the present invention are disclosed to collect data from each of a number a purchase candidates comprising a desired purchasing price. A process can iteratively calculate anticipated sales and request modified desired purchasing prices when the anticipated sales does not cross an appropriate threshold. The commodity price calculating means can investigate the prospect of commercialization of the commodity when selling it to purchase candidates at a plurality of prices by adding these prices together.

The Examiner contends that Henson discloses an element of “fundamental information presenting mechanism for presenting fundamental information concerning a commodity under development to an answerer.” However, Applicants submit that merely because a commodity has not been manufactured does not mean that it is under development. Products available for purchase via a disclosure of Henson are not under development. The products have been designed and parts have been manufactured, and assembly of the parts will quickly occur after a user has purchased the product. It is not necessary in Henson to ensure that a number of customers express interest in a specific product, because each product has already been designed and is merely waiting to be assembled. The Graph below illustrates the difference between development and manufacturing.



In this graph, (a) corresponds to certain mass productions systems, (b) corresponds to embodiments from Henson, and (c) corresponds to the claimed embodiments. In (a) and (b), the systems are collecting demand of a commodity after it is developed, whereas the converse is true of (c). As illustrated, in contrast to embodiments of the present invention, Henson does not disclose a strategy for guiding the direction of the development of a new commodity.

Thus, Applicants submit that the new claims are novel and unobvious over the previously cited art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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